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French Biotech Policy Measures Bogged Down 2009

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Report Highlights:

A working group formed by the French Ministry of Agriculture will meet in February to provide recommendations on coexistence rules. In view of the fact that both the working group and the High Biotech Committee will include representation from environmental NGOs and other stakeholders in addition to scientists, a political outcome is all but assured.

The High Biotech Committee, created by decree on December 7, will use the conclusions of this working group to formalize recommendations on coexistence to the French Government. However, to date, the High Biotech Committee is not operational, as French authorities have not been able to compromise on a president for this authority.

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Executive Summary

On December 7th, France created a new biotech approval authority (High Biotech Committee) under a biotech bill passed in June, 2008. Next steps will include the selection of a president and members of the High Committee, which will include social and ethical representatives in addition to scientists. The new competent authority must recommend, among other priorities, the technical conditions for producing biotech crops through a new coexistence framework.

In response to public demand for input, the Ministry of Agriculture recently formed a working group to propose coexistence measures to the new authority. The group is expected to meet in February. Its membership will include representatives from the farming community, agro-food industry, researchers, environmentalists and local authorities. Their conclusions will be a factor in the coexistence rules to be recommended by the High Biotech Committee to the French Government. The final decree, to be established by the Minister of Agriculture and the Minister of Environment, will influence, to a great extent, the economic viability of biotech crops in France.

Background

A national environmental review in 2007 (which resulted in the dissolution of the previous, science-based competent authority) and an EU threat to impose significant fines for failure to implement EU Directive 2001/18 in a timely manner, prompted France to pass a biotech bill in June 2008.

This legislation called for a new biotech authority (High Biotech Committee) whose mission, as defined in the biotech bill, is to provide advice to the French Government on a wide range of issues relative to biotech products. More specifically, its purview includes responsibility for proposing a definition for non-biotech products; recommending coexistence measures for biotech and non-biotech crop cultivation; and reviewing applications on the confined use of GE products and on the release into the environment (cultivation) of a large number of GE products (See FR8008, June 2008.)

Composition of the New Authority

According to decree 2008-1273 published in the French Official Journal on December 7, 2008, the new French authority was charged with broadening the evaluation of biotechnology approvals to include not only scientific criteria but social and economic criteria as well. To accomplish this, the authority will be comprised of two subcommittees: one tasked with scientific analysis and the other with economic, ethical and social implications of biotechnology.

The scientific subcommittee will have no more than 40 members, including at least: 3 specialists in genetics; 3 specialists in microbiology; 10 specialists in human and animal health protection; 3 specialists in agronomy; 1 specialist in statistics; 3 specialists in environmental sciences; 1 lawyer; 1 economist; and 1 sociologist.

The economic, ethical and social subcommittee will have 26 members and consist of: 1 representative from the National Ethics Consultative Committee; 3 representatives from environmental protection organizations; 2 representatives from consumer organizations, 1 representative from the High Committee on Public Health; 1 representative from the hospital or public health sector; 5 representatives from farmer organizations; 1 representative from a food industry organization; 1 representative from a pharmaceutical industry organization; 1 representative from a seed industry organization; 2 representatives from biotech company

employee organizations; 1 representative from the French mayor's organization; 1 representative from the French administrative department organization; 1 representative from the French administrative region organization; 1 Parliamentarian from the Parliament's Science and Technology Office; 1 lawyer; 1 economist; and 1 sociologist.

In December, the French Prime Minister's office made a public call for nominations to the Committee. To date, the Presidency of the High Biotech Committee remains vacant. Reportedly, several potential candidates have indicated that they did not want to be considered for the post. Recently, the Government's announced candidate was rejected by the Economic committees of the National Assembly and the Senate, an indication of the position's sensitivity. Members will serve five-year terms and will be nominated by decree published in the French Official Journal.

Working Group on Biotech and Non-Biotech Coexistence

Despite the fact that the Ministries of Agriculture and Environment have administrative authority to adopt coexistence measures, it decided to establish a working group to propose measures for consideration to the High Biotech Committee. (This decision was reportedly made after figures on cropping distances appeared in the press and stakeholders demanded input.) The working group composition is to be based on the model of the 2007 national environmental consultation (see FR7031, October 2007) which subsequently led to the 2008 freeze on MON810 cultivation in France. The composition of the group mirrors the range of parties interested in biotech cultivation and will include scientific researchers, farmer representatives, environmental NGOs, the agri-food industry and local authorities. The working group is expected to meet in February 2009 but further details are not currently available.

Implications of the New Authority for Biotechnology in France

Given the anticipated heavy workload of the Committee and the diversity of its membership, the decision making process is expected to be cumbersome. Moreover, the composition of the Committee and the working group on coexistence all but ensure a political outcome. Thus, expectations for the approval of GE crop cultivation and research approval are low. Implementation of the biotech bill and creation of a new committee are not expected to result in a removal of the 2008 ban on MON810 cultivation. Resumption of commercial production of GE crops is not expected before 2010. The viability of any future commercial production will be heavily influenced by the biotech crop coexistence measures adopted by the French Government on the basis of recommendations made by the High Biotech Committee.